

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

Item No. 11 ID#2632
RESOLUTION E- 3842
SEPTEMBER 18, 2003

RESOLUTION

RESOLUTION E - 3842. KENWOOD INN AND SPA REQUESTS A DEVIATION FROM CALIFORNIA PUBLIC UTILITIES CODE SECTION 320 ON BEHALF OF PACIFIC GAS AND ELECTRIC (PG&E). THIS RESOLUTION GRANTS THE REQUEST AND AUTHORIZES PG&E TO RELOCATE FOUR EXISTING JOINT UTILITIES POLES ON THE WEST SIDE OF HIGHWAY 04-SON-12, POST MILE 27.8, IN THE VICINITY OF THE KENWOOD INN'S DRIVEWAY.

BY LETTER DATED JULY 21, 2003, FROM THE KENWOOD INN AND SPA.

SUMMARY

On July 21, 2003, Kenwood Inn and Spa on behalf of PG&E requested authority for deviation from the undergrounding requirements of Section 320 of the Public Utilities Code as part of Kenwood's driveway improvement project.

This resolution approves the request to relocate four existing joint utilities poles on the west side of Highway 04-SON-12, Post Mile 27.8, in the vicinity of Kenwood Inn's driveway.

BACKGROUND

California Public Utilities Code Section 320 (P.U. Code Section 320) was enacted in 1971, Chapter 1697, and reads in part as follows:

The legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The Commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility

distribution facilities in accordance with the aforesaid policy and the rules of the Commission relating to the undergrounding of facilities and...

The Commission shall require compliance with the plan upon its adoption.

The Commission is responsible for the administration of Section 320 of the P.U. Code. After hearings conducted in Case 9364, Commission Decision (D) 80864 implemented the State Legislation. D.80864 states that:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution. (74 CPUC 457, D.80864)

D.80864 stipulates that no communications or electric utility shall install overhead distribution facilities "in proximity to" and "visible from" any prescribed corridor on a designated scenic highway in California unless a showing is made before the Commission and a finding made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning. The Decision also defines "in proximity to" as being within 1,000 feet from each edge of the right-of-way of designated State Scenic Highways.

D.80864 also stipulates that when repairs or replacement of existing overhead facilities in the same location do not significantly alter the visual impact of the Scenic Highway, they should not be considered as new construction and need not be converted to underground.

NOTICE

Publication in the Commission's Daily Calendar on July 28, 2003 provided public notice of Kenwood Inn and Spa's letter dated July 21, 2003. General Order 96 service requirements for Advice Letters do not apply to letter requests for deviation from the Public Utilities Code.

PROTESTS

The Commission received no protests.

DISCUSSION

We will evaluate this deviation request considering the nature of the project; local government recommendation; visibility, aesthetics, and environmental impact; and economic feasibility. We will base our recommendation on tangible evidence and analysis of these factors.

Nature of the Project

Kenwood Inn and Spa is located west of Highway 12, approximately 1.5 miles south of Kenwood. Kenwood submitted applications in year 2001 to the County of Sonoma to expand their existing 12-room facility and add 24 new rooms. The Sonoma County Board of Supervisors by Resolution 01-1226, on September 18, 2001, approved their application for General Plan Amendment, Rezoning, Use Permit, and Lot Line Adjustment. However, a condition of approval requires Kenwood Inn and Spa to construct a left-turn lane into the project entrance prior to building occupancy. This would require Kenwood Inn and Spa to relocate four existing joint utilities (PG&E & Verizon) poles 4.39 feet to 11.77 feet in the southwest direction. These poles, which support 12KV lines, are located on the west side of Highway 12, Post Mile 27.8.

PG&E plans to begin relocating the poles in 2003 with completion in 2004.

This relocation will be a permanent deviation.

Local Government Recommendations

The scenic corridor of Highway 12 extends from Kenwood to Glen Ellen to Sonoma. Since the relocation of poles along a designated Scenic Highway requires Commission approval and expressed opinion of the local government, PG&E and Riechers Spence and Associates (consultants for Kenwood Inn and Spa) have requested a recommendation from the Permit and Resource Management Department of the County of Sonoma. The County met and consulted with PG&E, and by a letter dated July 18, 2003, they recommended the Commission grant a deviation for this project.

The Commission notes that Kenwood Inn and Spa also asked the Sonoma County Water Agency (SCWA) for their position regarding Kenwood's expansion project within SCWA's easement. In a letter dated August 11, 2003, SCWA did not consent to the relocation of electric lines within their easement. SCWA indicated that relocation of electric lines within their easement would significantly and unreasonably interfere with their use of the easement whether overhead or not.

This resolution deals only with overhead lines adjacent to a Scenic Highway. Possible encroachment by Kenwood on the adjacent easement of a local agency such as SCWA is a separate issue not reached by this Resolution or this Commission.

Visibility, Aesthetics, and Environmental Impact

This project involves relocating four existing joint poles and their associated cables and equipment on the west side of Highway 12, in the vicinity of the inn driveway. There is little or no adverse impact on visibility and aesthetics of the highway based on the photographs and project drawings submitted by Riechers Spence and Associates on the proposed pole relocations. Furthermore, there are existing electric and telephone cables on poles along the aforementioned sections of Highway 12. Hence, overhead facilities would remain visible, but these four poles would be located approximately 4 to 11 feet further from the highway and no additional lines or other work would increase their visibility.

The County of Sonoma Permit and Resource Management Department, and Kenwood's consultant Riechers Spence and Associates also do not expect the relocated facilities will be more visible to the residences, businesses, and travelers along Route 04-SON-12 after the completion of this project.

This project is exempted from General Order 131D environmental requirements, since the voltage level of the aerial electric facilities is below 50KV. Kenwood Inn and Spa has not conducted an environment assessment on the impact of undergrounding along Highway 04-SON-12.

Economic feasibility

Riechers Spence and Associates submitted the following cost estimates.

Options	Kenwood Inn and Spa Cost	Electric Related Cost	Telephone Related Cost	Combined Electric and Telephone Costs	Total Cost
Overhead	\$104,820	\$ 74,797.92	\$2,800	\$77,597.92	\$182,417.9
Underground	\$104,820	\$366,806.21	\$5,500	\$372,306.2	\$477,126.2
Underground to Overhead Ratio	1:1	4.9:1	2:1	4.8:1	2.6:1

Since the telephone lines would be put in the same trench as the electric lines, the cost estimate to underground telephone lines and equipment does not include trenching.

The utility costs alone, to place electric and telephone lines underground at this location would exceed the overhead cost by more than 4.8:1, and the cost of the project as a whole would be doubled. Hence, undergrounding would substantially increase the cost of the project. This cost disparity renders the underground alternative impractical.

Summary

Since the factors discussed above favor the placement of overhead cables instead of underground, the Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2004.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. The Commission administers Section 320 of the Public Utilities (PU) Code requiring undergrounding of utilities lines long designed Scenic Highways and accept letter requests for deviations.
2. The applicant must show that undergrounding would not be economically feasible or would be inconsistent with sound environmental planning.
3. By letter dated July 21, 2003, Kenwood Inn and Spa on half of PG&E requested authority for deviation from the undergrounding requirements of Section 320 of the Public Utilities Code.
4. This request involves relocating four existing joint utilities poles 4.39 feet to 11.77 feet in the southwest direction. These poles, which support 12KV lines, are located on the west side of Highway 04-SON-12, Post Mile 27.8, in the vicinity of the Kenwood Inn's driveway.
5. PG&E plans to begin relocating the poles in 2003 with completion in 2004.
6. This relocation will be permanent.
7. The Resource Management Department of the County of Sonoma met and consulted with PG&E on this project, and by a letter dated July 18, 2003, they recommended the Commission grant a deviation.
8. Overhead facilities would remain visible, but the four poles in question would be located approximately 4 to 11 feet further from the highway and no additional lines or other work would increase their visibility.
9. The County of Sonoma Permit and Resource Management Department, and Kenwood's consultant Riechers Spence and Associates do not expect that the relocated

facilities will be significantly more visible to the residences, businesses, and travelers along Route 04-SON-12 after the completion of this project.

10. The Sonoma County Water Agency opposed placing electric lines within their easement whether overhead or underground.

11. Encroachment by Kenwood on SCWA's easement is not addressed by PUC Code Sec. 320 or this resolution.

12. The utility costs alone, to place electric and telephone lines underground at this location would exceed the overhead cost by more than 4.8:1, and the cost of the project as a whole would be doubled.

13. The Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2004.

THEREFORE, IT IS ORDERED THAT:

1. The Kenwood Inn and Spa's exemption from undergrounding the conductors on four existing joint utilities poles along Highway 04-SON-12 is approved. This deviation is granted only through the end of 2004.
2. This Resolution is effective today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on September 18, 2003. The following Commissioners voting favorably thereon:

WILLIAM AHERN
Executive Director